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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

18 Martha Hernandez, Krystal Hernandez,
19 Monique Paniagua, Jose Quinones,

20 Plaintiffs,

21 vs.

22 City of Maywood, Maywood-Cudahy
23 Police Department, Bruce Leflar, Paul
24 Pine, Cunningham, Serrata, and Does
25 1-30,

26 Defendants.

Case No.

CV08-03103 (SSC)

**CIVIL RIGHTS and RICO
COMPLAINT WITH INJUNCTIVE
AND STATE LAW CLAIMS**

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. This is a RICO and civil rights action brought under 42 U.S.C. §1962, 42
3 U.S.C. §§1983 and 1985, and various related state laws by Plaintiffs against the City of
4 Maywood, the Maywood-Cudahy Police Department, and their employees individually
5 and in their official capacities, for injunctive relief and compensatory and punitive
6 damages because of a continuing systematic abuse of authority, including but not limited
7 to unlawful searches and seizures of person and property; wrongful detentions and
8 arrests, false imprisonments, malicious prosecutions, cover ups, false report writing, use
9 of excessive and unnecessary force, sexual assaults and other acts of lawlessness.
10 Plaintiff(s) first filed this action in *Gonzalez v. City of Maywood*, CV 07 3469 ODW
11 (Shx), on May 29, 2007; on January 28, 2008, the Court ordered the Plaintiffs' actions
12 be severed and refiled as a separate case.
13

JURISDICTION

14
15 2. This case is brought pursuant to 18 U.S.C. § 1961 and 42 U.S.C. §§ 1983,
16 1985 and 1986. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1-4). This
17 court also has supplemental jurisdiction over the state claims and over defendants
18 pursuant to 28 U.S.C. § 1367. Plaintiffs are victims of City of Maywood employees
19 acting under color of law and within the scope of their authority and pursuant to the
20 policies and practices of the entities.
21

VENUE

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23 3. The claims alleged herein arose from events or omissions occurring in the
24 County of Los Angeles. Therefore, venue lies in the Central District of California. 28
25 U.S.C. 1391(b)(2).
26

PLAINTIFFS

27 4. Plaintiffs are residents of the County of Los Angeles, State of California. At
28

1 all times material to this complaint, Plaintiffs were private persons in the State of
2 California, United States of America.

3
4 **DEFENDANTS**

5 5. Plaintiffs are informed and believe and thereon allege that at all times herein
6 mentioned defendants City of Maywood, the Maywood-Cudahy Police Department, and
7 Does 1 through 5, were and are public entities duly organized and existing as such under
8 the laws of and within the State of California under the laws of the United States and the
9 laws of the State of California.

10 6. Plaintiffs are informed and believe and thereon allege that at all times herein
11 mentioned defendants Bruce Leflar, Paul Pine, and Does were and/or are police
12 supervisors and/or policymakers for the City of Maywood, the Maywood-Cudahy Police
13 Department and Does 6 through 15, and in such capacity were/are managers and/or chief
14 administrators and/or policy makers. The named entities, supervisors and Does are
15 responsible for, among other things, the employment, discharge, training, supervision,
16 control, assignment and discipline of all sworn and civilian personnel of their entities
17 and the formulation, promulgation, adoption, application, implementation,
18 administration, enforcement and revocation of the policies and practices of the named
19 entities and Does.

20
21 7. Plaintiffs are informed and believe and thereon allege that the actions of named
22 and Doe supervisors were committed while employed by the entities and represent the
23 customs, practices and policies of the entities. The acts herein described and
24 complained of were committed and done pursuant to policies, rules, regulations,
25 practices, customs, and/or usages (hereinafter "policies and practices") of the entities
26 and were created and enforced by the managers and/or supervisors and/or policy makers.

27
28 8. Plaintiffs are informed and believe and thereon allege that the defendants

1 Cunningham, Serrata and Does are individual officers or agents of the City of Maywood
2 and/or the Maywood-Cudahy Police Department and/or others at the times of the acts
3 herein complained of.

4 9. The true names and capacities of defendants Does 1-30 are presently unknown
5 to plaintiffs; who therefore sue each of these defendants by such fictitious names; but
6 upon ascertaining the true identity and/or liability of a defendant Doe, Plaintiffs will
7 amend this Complaint or seek leave to do so by inserting the true name in lieu of the
8 fictitious name. Plaintiffs are informed and believe and thereon allege that each
9 defendant Doe herein is in some manner responsible for the injuries and damages herein
10 complained of.

12 **INCORPORATION**

13 10. The above paragraphs are hereby repeated, realleged and incorporated by this
14 reference in each cause of action.

15 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

16 11. On or about September 2, 2006, Cunningham, Serrata and other unknown
17 officers wrongfully entered the home of Martha Hernandez, Krystal Hernandez, Jose
18 Quinones and Monique Paniagua, at 5113 East 60th Street, Maywood, California, and
19 wrongfully detained, arrested, assaulted, battered, threatened, searched, and prepared
20 false official reports for the purpose of covering up their wrongful actions and
21 maliciously prosecuting plaintiffs. During the incident, Cunningham, Serrata and other
22 unknown officers sexually molested and fondled 14-year-old Krystal Hernandez in
23 front of her mother Martha Hernandez. The assaults on these plaintiffs included the
24 drawing and pointing of firearms at them, painfully tight handcuffing, choking, and
25 beating while on the ground. Ms. Paniagua was thrown into the back of the police car.
26 Mr. Quinones was transported to the Maywood/Cudahy jail. While at the jail,
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28

1 Cunningham choked Mr. Quinones and kicked his feet out from under him so that he
2 fell against a metal bench in the holding cell, hitting his back on the bench and also
3 hitting his head. While Mr. Quinones was on the ground, Cunningham choked him and
4 repeatedly kneed him in the genitals. Cunningham put his right shoe on Mr. Quinones'
5 right kneecap and twisted it, causing injury. Mr. Quinones had difficulty breathing and
6 paramedics were called. Cunningham interfered with Mr. Quinones' access to medical
7 treatment by refusing take Mr. Quinones directly to the hospital, interfering with his
8 medical treatment at the hospital, and threatening Mr. Quinones while he was at the
9 hospital. Mr. Quinones was denied adequate medical treatment as a result of
10 Cunningham's actions. No criminal charges were filed against Mr. Quinones as a result
11 of the September 2, 2006 incident. On February 13, 2007, Martha Hernandez spoke out
12 at a Maywood City Council meeting about Cunningham's sexual assault on her daughter
13 and the September 2, 2006 incident. During her remarks she also stated that she saw
14 Maywood City Councilman Sam Pena getting drunk with Maywood police officers at
15 the Copacabana Restaurant in Maywood. Later that evening, Salgado and Pena came to
16 her house. Salgado grabbed her and held her arms behind her back while telling her that
17 she was stupid for opening her mouth at the Maywood City Council meeting. Salgado
18 continued to hold her while Pena threatened her and told her that if she did not keep
19 quiet both she and her daughter would suffer the consequences. Plaintiffs are informed
20 and believe and thereon allege that defendants committed these wrongful acts because
21 they believed in the existence of and actively participated in the code of silence in the
22 Maywood/Cudahy Police Department allowing them to engage in wrongful conduct and
23 obstruct justice with impunity.

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25
26 12. Plaintiffs are informed and believe and thereon allege that defendants'
27 wrongful conduct included but is not limited to fraud, fraud by wire, obstruction of
28

1 justice, kidnaping and bribery.

2 13. Plaintiffs are informed and believe there are numerous other similar victims
3 of defendants' wrongful acts who are afraid to seek, and/or unable to seek redress
4 because of their reasonable fears of retaliation, and/or because they are recent
5 immigrants who are reasonably concerned about the lawfulness of their status, and/or
6 because they are unable to find representation.

7 14. Plaintiffs complied with the provisions of the California Tort Claims Act.

8 **The Maywood Police Department**

9
10 15. Plaintiffs are informed and believe and thereon allege that the
11 Maywood-Cudahy Police Department has for years been a department composed of
12 persons not conforming their conduct to the requirements of the law, or to established
13 standards of proper police practices.

14 16. Plaintiffs are informed and believe and thereon allege that the defendants,
15 officers and supervisors within the Maywood-Cudahy Police Department, invidiously
16 singled out, targeted and violated the rights of recent immigrants and/or persons
17 defendants perceived to be recent immigrants because defendants knew that recent
18 immigrants were easy victims, afraid to exercise their rights, and readily subject to
19 retaliation if they attempted to exercise their rights.

20
21 17. Plaintiffs are informed and believe and thereon allege that the violations of
22 individuals' rights by Maywood-Cudahy officers occurred not because of a few "bad
23 apples" but is instead the result of a culture of lawlessness permeating the entities and
24 constituting and/or proximately caused by their routine practices, including a code of
25 silence and conspiracy to obstruct justice.

26 18. Plaintiffs are informed and believe and thereon allege that the
27 Maywood-Cudahy police department regularly hires police officers who have been
28

1 pushed out of other law enforcement agencies for crimes or serious misconduct,
2 including but not limited to: A former Los Angeles County sheriff's deputy terminated
3 for abusing jail inmates; a onetime Los Angeles Police Department officer fired for
4 intimidating a witness; and an ex-Huntington Park officer charged with negligently
5 shooting a handgun and driving drunk.

6
7 19. Plaintiffs are informed and believe and thereon allege, based in part upon
8 allegations contained in a Superior Court complaint filed by Maywood-Cudahy Officer
9 Pablo Cunningham, one of the named defendants in this action (and in many other
10 federal civil rights actions, as alleged below), that supervisors required officers to
11 "engage in racial profiling and quotas," and that Cunningham was "threatened by [
12 Police Chief Bruce] Leflar with loss of his job after he refused to engage in racial
13 profiling." Plaintiffs are informed and believe that Cunningham was fired by the
14 Maywood-Cudahy Police Department and then rehired because he threatened to expose
15 improprieties within the department.

16
17 20. Plaintiffs are informed and believe and thereon allege, as pleaded by
18 Defendant Cunningham his Superior Court complaint, that defendants covered up
19 misconduct including excessive force, promoted a code of silence and conspiracy to
20 obstruct justice, hired people unfit to be officers (for improper reasons, including but not
21 limited to their connections to other City officials), extorted people for sex, and took
22 kickbacks and bribes.

23
24 21. Plaintiffs are informed and believe and thereon allege that official public
25 records document that Pine resided in an apartment owned by the proprietors of a tow
26 yard. Plaintiffs are informed and believe that the tow yard owner is Maywood Club
27 Tow.

28 22. Plaintiffs are informed and believe that Pine was permitted to live in the

1 apartment as a quid pro quo for Pine's assistance in causing the towing, impoundment,
2 and sale of vehicles, for the illicit gain of Pine, the City of Maywood, the
3 Maywood-Cudahy Police Department, Does, and others.

4 23. Plaintiffs are informed and believe and thereon allege that Maywood Club
5 Tow and/or its owners and/or Does gave money and/or things of value to defendants as
6 a quid pro quo for the assistance and cooperation of defendants in causing the towing,
7 impoundment, and sale of vehicles.

8 24. Plaintiffs are informed and believe that governing officials of the City of
9 Maywood received money and/or things of value from Maywood City Tow and/or its
10 owners, and/or Does as a quid pro quo for, among other things, starting, continuing,
11 implementing and/or protecting defendants' illicit vehicle towing scheme.

12 25. Plaintiffs are informed and believe that the Cities of Maywood and Cudahy
13 and the Maywood-Cudahy Police Department did a land-office business with Maywood
14 Club Tow, towing, impounding, confiscating, and selling vehicles, and reaping huge
15 profits in doing so, and that Pine and other defendants were personally involved in this
16 illicit, fraudulent and criminal practice, including the conduct of supposed hearings to
17 determine whether vehicles should be returned to their owners. The involvement of
18 defendants including Pine in the hearings made them unfair and deprived vehicle owners
19 of due process of law.

20 26. Plaintiffs are informed and believe and thereon allege that existence of graft
21 and corruption, and the knowledge of the graft and corruption, within the
22 Maywood-Cudahy Police Department and the City of Maywood, including but not
23 limited to the illicit, fraudulent and criminal scheme to tow, impound and sell vehicles,
24 made it difficult and/or impossible for any supervisor to exercise meaningful
25 supervision and/or to discipline officers who abused people and violated the law, for
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1 fear that officers would blow the whistle on the corruption and nepotism including but
2 not limited to the vehicle towing scheme, if any meaningful discipline were threatened
3 or imposed and proximately caused, fostered and contributed to the code of silence and
4 conspiracy to obstruct justice within the department.

5 27. Plaintiffs are informed and believe that the code of silence and defendants'
6 conspiracy to obstruct justice, and an absence of meaningful supervision and discipline,
7 was each a proximate cause of defendants' violations of Plaintiffs' rights.
8

9 28. Plaintiffs are informed and believe and thereon allege that the
10 Maywood-Cudahy Police Department does not have adequate procedures to supervise
11 and/or discipline its employees, including but not limited to the following:

12 a. Inadequate reporting requirements, including but not limited to
13 inadequate use-of-force reporting;

14 b. Inadequate procedures for documenting and investigating citizens'
15 complaints, including but not limited to refusing to accept citizens' complaints,
16 failing adequately to document citizens' complaints, failing to investigate
17 citizens' complaints, and failing to respond to court orders requiring defendants
18 to disclose citizens' complaints.
19

20 29. Failures by all the supervisor, manager and policy-making defendants to
21 provide oversight over the Maywood-Cudahy police, to make them follow the
22 requirements of the Constitution, and/or to stop officers from making false charges
23 against innocent persons and lying to support false charges, among other things, make
24 those defendants liable to plaintiffs.

25 30. Plaintiffs are informed and believe that all the injunctive relief prayed for in
26 this complaint is necessary to stop the wide-scale violation of peoples' rights by
27 defendants.
28

Scope and Nature of Allegations

31. Plaintiffs are informed and believe and thereupon alleges that officials, supervisors, policy makers and other individuals with the authority to set or modify municipal and/or departmental policy, de jure or defacto, of Defendant City of Maywood, participated in, approved of, ratified and/or failed to prevent the acts by Defendants City of Maywood, Maywood-Cudahy Police Department, Bruce Leflar, Paul Pine, Cunningham and Does 1-30, complained of by Plaintiffs.

32. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned, each of the defendants; including officials, supervisors, watch commanders and other policy makers from Defendant City of Maywood; was the agent, employee or co-conspirator of one other, some, or all of their Co-defendants. Plaintiffs are informed believe and thereupon allege that each of the defendants, acting individually, and in concert with each other, engaged in a common plan wrongfully to deprive Plaintiffs of Plaintiffs' rights to: security in Plaintiffs' person, property and effects, freedom from unreasonable searches and seizures, equal protection and due process of law, and of the right to seek redress and obtain compensation for the wrongs committed against Plaintiffs.

33. In doing each and all of the things herein mentioned, or neglecting or intentionally failing to rectify said misconduct, each and all defendants were acting pursuant to a defacto policy and within the scope of such agency, employment and conspiracy and with full permission, knowledge, approval, ratification and support of each other.

Damages

34. By reason of the aforementioned acts of defendants, and each of them, Plaintiffs were injured in Plaintiffs' health, strength and activity, sustained great mental

1 pain, suffering and shock to Plaintiffs' nervous systems, torment, anxiety, anguish,
2 humiliation and severe emotional distress, all to Plaintiffs' damage in an amount
3 according to proof at trial. As a proximate result of the foregoing wrongful acts of
4 defendants, and each of them, property belonging to Plaintiffs were damaged and
5 destroyed in an amount according to proof.

6 35. Plaintiffs are informed and believe and thereon allege that, by reason of the
7 aforementioned acts of defendants and each of them, Plaintiffs were and/or will in the
8 future be required to receive hospital, medical, doctor, nursing, dental and psychological
9 care and treatment, and by reason thereof, will incur expenses related thereto in an
10 amount according to proof at trial.

11 36. By reason of defendants' wrongful acts, Plaintiffs were injured in Plaintiffs'
12 businesses and/or property, including but not limited to being unable to work and earn
13 money, and Plaintiffs will in the future be injured in Plaintiffs' business and/or property
14 by sustaining a loss and impairment of earnings and earning capacity, in an amount
15 according to proof at trial. By reason of defendants' code of silence and conspiracy to
16 obstruct justice, defendants have damaged, impaired and reduced the value of Plaintiffs'
17 property interests, including but not limited to Plaintiffs' property interest in his right
18 and/or causes of action to obtain redress and compensation for the wrongs committed
19 against Plaintiffs.

20 37. Defendants acts were done and committed by each individual defendant
21 knowingly, deliberately and maliciously with the intent to oppress, injure and harass
22 Plaintiffs (with the exception of the claims by Plaintiffs based on negligence) and with
23 reckless indifference to Plaintiffs' civil rights, personal security and safety, and by
24 reason thereof, Plaintiffs prays for punitive and exemplary damages from and against
25 individual defendants and each of them in an amount according to proof at trial.
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CLAIMS FOR RELIEF

**FIRST CLAIM FOR RELIEF
BY PLAINTIFFS AGAINST ALL DEFENDANTS
(Violation of RICO Statute - 18 U.S.C. §§ 1962(c), (d))**

38. This cause of action is brought by Plaintiffs for treble damages for injury to his business or property including but not limited to lost employment and accrued interest resulting from the conduct alleged herein, which violates the provisions of 18 U.S.C. §§ 1961-1968 (hereafter "RICO").

39. The following constitute an enterprise within the meaning of RICO generally and 18 U.S.C. § 1961(4) specifically:

- a. The Maywood-Cudahy Police Department;
- b. The City of Maywood;
- c. Maywood Club Towing Company;
- d. The Association in Fact of defendants City of Maywood, Maywood-Cudahy Police Department, Maywood Club Towing Company ("the AIF Enterprise").

40. Plaintiffs are informed and believe and thereon allege that each enterprise alleged herein is an entity distinct from the pattern of racketeering activity alleged herein; is or was an ongoing organization, formal or informal; and functions or functioned as a continuing unit, to wit:

- a. The City of Maywood is a public entity with a formal structure and capacity engaging in a wide range of activities, only part of which entails the pattern of racketeering activity alleged in this complaint. The defendants charged with operating it under 18 U.S.C. § 1962 (c) were animated by, among other things, engaging in bribery, obstruction of justice, and fraud.

1 b. The Maywood-Cudahy Police Department is a subdivision of the City
2 of Maywood and City of Cudahy whose charge is enforcement of the laws of the
3 State of California and the Cities of Maywood and Cudahy, in which capacity it
4 has a formal structure and engages in a wide range of activities, only part of
5 which entails the pattern of racketeering activity alleged in this complaint. The
6 defendants charged with operating it under 42 U.S.C. § 1962 (c) were animated
7 by, among other things, bribery, extortion, obstruction of justice, and kidnaping.
8

9 c. Maywood Club Towing Company is a formally organized business
10 entity engaged in the business of towing and impounding vehicles under a variety
11 of circumstances, only part of which entails the pattern of racketeering activity
12 alleged in this complaint. The defendants charged with operating it under 42
13 U.S.C. § 1962 (c) were animated by, among other things, the common purpose of
14 unlawfully impounding vehicles in order to collect and receive the illegal charges
15 resulting from the impound, and implemented the illegal scheme by mail fraud
16 and bribery.
17

18 d. The AIF Enterprise had an ascertainable structure, comprised of the
19 Maywood-Cudahy Police Department, Maywood Club Towing Company, and the
20 key individuals who directed the enterprise's unlawful activities which included
21 but are not limited to Pine and Does. This structure was distinct from the pattern
22 of racketeering activity in that the enterprise's activities encompassed both lawful
23 and unlawful activities. The AIF Enterprise's associates were animated by
24 common purposes, including but not limited to unlawfully and fraudulently
25 impounding vehicles to collect and receive the illegal charges resulting from the
26 impound and receive kickbacks, and to cover up and conceal their activities by
27 obstructing justice in state and federal civil and criminal proceedings by means
28

1 of a code of silence. The AIF Enterprise functioned as a continuing unit with
2 continuity in both structure and personnel.

3 41. The activities of the enterprises affect interstate commerce in numerous ways,
4 including but not limited to: 1) the use of interstate mail, telephone and wires (including
5 transmission and dissemination of false arrests and false criminal charges); 2) the
6 purchase of materials for use in the enterprises which materials were in the stream of
7 interstate commerce; 3) the provision of federal funds to the Maywood-Cudahy Police
8 Department, received through the stream of interstate commerce; 4) oversight by federal
9 governmental entities of various of the activities of the Maywood-Cudahy Police
10 Department and/or the City of Maywood, involving interstate travel and the expenditure
11 of funds through the stream of interstate commerce; 5) the interstate travel of various
12 of the owners of impounded vehicles to retrieve their impounded vehicles or attempt to
13 do so; 6) the travel, paid from proceeds of the pattern of racketeering activity alleged
14 herein, of members of the Maywood-Cudahy Police Department from California to Las
15 Vegas; 7) the purchase of tow trucks, and gasoline and equipment for said trucks, used
16 in furtherance of the pattern of racketeering activity alleged herein that reached the
17 purchasers through the stream of interstate commerce.

18 42. Defendants' racketeering activities included but are not limited to the
19 following:

20 a. Condoning and encouraging the fabrication of evidence including but
21 not limited to the filing of materially false police reports intended to be used in
22 state and federal civil and criminal proceedings;

23 b. Condoning and encouraging a "code of silence," which keeps and/or
24 dissuades employees from reporting the misdeeds of fellow employees, and/or
25 causes and/or facilitates the preparation, submission and use of false official
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1 reports, and/or making false official statements, and/or perjury; and which thereby
2 obstructs justice in official proceedings, including but not limited to state and
3 federal criminal investigations and proceedings, and/or state and federal civil
4 investigations and proceedings;

5 c. Condoning and encouraging officers in the belief that their failure or
6 refusal to participate in the "code of silence" or to cover up or conceal the
7 misconduct of other officers will cause them to be ostracized by other officers,
8 will adversely affect their ability to get support from other officers in dangerous
9 and/or life-threatening situations in the field and will adversely affect their
10 opportunities for promotion and other employment benefits, and which thereby
11 obstructs justice in official proceedings, including but not limited to state and
12 federal criminal investigations and proceedings, and/or state and federal civil
13 investigations and proceedings;

14 d. Condoning and encouraging the acceptance of "gratuities," "kickbacks,"
15 and/or other wrongful and/or illicit compensation, which has the effect of
16 strengthening defendants' code of silence and conspiracy to obstruct justice by
17 making all department employees, including but not limited to supervisors,
18 vulnerable to accusations of misconduct and unable and/or unwilling to
19 accurately report misconduct, and/or to supervise and/or discipline subordinates.

20 43. Plaintiffs are informed and believe that defendants' code of silence and
21 conspiracy to obstruct justice is and was operative in many state and federal
22 proceedings, including but not limited to the following federal cases:

23 a. *Jose Rodriguez and Guillermo De La Torre v. City of Maywood*, CV
24 99-9898 CBM (Ex);

25 b. *Ortiz v. City of Maywood, Pablo Cunningham, et.al.*, CV 06-3622 DSF
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27
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(FMOx);

c. *Flores v. City of Maywood, Pablo Cunningham*, CV 04-7565 GPS (Ex)

d. *Pacheco v. City of Maywood, Pablo Cunningham, et.al.*, CV 06-7613

PSG (FFMx);

e. *Cruz v. City of Maywood, Paul [Pablo] Cunningham*, CV 07-1999 PSG

(JCx);

f. *Sena v. City of Maywood, et.al.*, CV 07-1724 AHM (Jcx);

g. *Trujillo v. City of Maywood, et.al.*, CV 06-2738 PA (VBKx);

h. *Gonzalez v. City of Maywood, et.al.*, CV 05-6953 RJK (VBKx);

i. *Anderson (Estate) v. City of Maywood, et.al.*, CV 04-10119 RGK (Shx);

j. *Densmore v. Maywood, et.al.*, CV 06-3535 PSG (RZx).

SECOND CAUSE OF ACTION
(Violation of Civil Rights - 42 U.S.C. § 1983)
Monell and Supervisorial Liability

44. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned, above named defendants with deliberate indifference, gross negligence and/or reckless disregard for the safety, security and constitutional and statutory rights of Plaintiffs maintained, enforced, tolerated, permitted, acquiesced in, and/or applied *inter alia* policies and practices which included directing and controlling the unlawful acts complained of herein.

45. Said defendants and each of them, acting under color of state law, have deprived Plaintiffs of rights, privileges, and immunities secured by the Constitution and laws of the United States, in particular by the First, Fourth, Fourteenth Amendments to the United States Constitution by *inter alia* maintaining, enforcing, tolerating, permitting, acquiescing and, and/or applying the policies and practices set forth above. As a direct and proximate result of those policies and practices, Plaintiffs sustained

1 injury and damage as described herein.

2 46. Plaintiffs are informed and believe and thereon allege that the supervisory
3 defendants ordered, authorized, acquiesced in, tolerated, or permitted other defendants
4 herein to engage in the unlawful and unconstitutional actions, policies, and practices set
5 forth above. Defendants' conduct alleged herein constitutes a pattern of illicit law
6 enforcement behavior, and statutory and constitutional violations based either on a
7 deliberate plan by defendants or on defendants' deliberate indifference, gross
8 negligence, or reckless disregard for the safety, security and constitutional and statutory
9 rights of Plaintiffs which violations include:
10

11 a. Stopping, detaining, and/or arresting people and/or entering homes,
12 and/or searching and/or seizing property and people, without required warrants,
13 reasonable suspicion and/or probable cause;

14 b. Using unreasonable and/or excessive force;

15 c. Allowing and/or encouraging employees to brutalize, hurt and/or injure
16 members of the public, by failing to require effective use-of-force training,
17 supervision, discipline and reporting, including but not limited to not requiring
18 employees to report uses of force, by permitting and/or encouraging false and/or
19 misleading and/or incomplete reporting, and/or by failing adequately to monitor
20 employee uses of force;
21

22 d. Condoning, tolerating and/or acquiescing in officers' engaging in racist
23 conduct and/or racially motivated attacks on minority members of the community,
24 and/or using racist speech when speaking with minorities and/or denigrating the
25 race and/or nationality of minority members of the community;

26 e. Condoning, tolerating and/or acquiescing in officers' sexually abusing
27 members of the community, including minors;
28

1 f. Failing adequately to investigate incidents involving the use of
2 unreasonable force and/or other misconduct;

3 g. Conducting investigations in such a manner as to conceal misconduct,
4 including but not limited to using investigative techniques and procedures known
5 to have that effect;

6 h. Condoning and encouraging the fabrication of evidence including but
7 not limited to the filing of materially false police reports;

8 i. Condoning and encouraging a "code of silence," which keeps and/or
9 dissuades employees from reporting the misdeeds of fellow employees, and/or
10 causes and/or facilitates the preparation, submission and use of false official
11 reports, and/or making false official statements, and/or perjury; and which thereby
12 obstructs justice in official proceedings, including but not limited to state and
13 federal criminal investigations and proceedings, and/or state and federal civil
14 investigations and proceedings;

15 j. Condoning and encouraging officers in the belief that their failure or
16 refusal to participate in the "code of silence" or to cover up or conceal the
17 misconduct of other officers will cause them to be ostracized by other officers,
18 will adversely affect their ability to get support from other officers in dangerous
19 and/or life-threatening situations in the field and will adversely affect their
20 opportunities for promotion and other employment benefits, and which thereby
21 obstructs justice in official proceedings, including but not limited to state and
22 federal criminal investigations and proceedings, and/or state and federal civil
23 investigations and proceedings;

24 k. Condoning and encouraging the acceptance of "gratuities," "kickbacks,"
25 and/or other wrongful and/or illicit compensation, which has the effect of making
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1 supervisors within the department vulnerable to accusations of misconduct and
2 unable and/or unwilling to effectively supervise and/or discipline subordinates;

3 1. Hiring individuals who are unsuited for police work, including but not
4 limited to hiring individuals who have been fired or disciplined by other law
5 enforcement agencies because they engaged in misconduct; and/or failing to
6 conduct appropriate and/or required background investigations.

7
8 47. Defendants and each of them, acting under color of state law, have deprived
9 Plaintiffs of rights, privileges, and immunities secured by the Constitution and laws of
10 the United States, in particular by the First, Fourth, and Fourteenth Amendments to the
11 United States Constitution by *inter alia* maintaining, enforcing, tolerating, permitting,
12 acquiescing and, and/or applying the policies and practices set forth above. As a direct
13 and proximate result of those policies and practices, Plaintiffs have sustained injury and
14 damage as described hereinafter.

15 48. Plaintiffs are informed and believe and thereon allege that defendant entities
16 and supervisorial defendants ordered, authorized, acquiesced in, tolerated, or permitted
17 other defendants herein to engage in the unlawful and unconstitutional actions, policies,
18 and practices set forth above. Defendants' conduct alleged herein constitutes a pattern
19 of intimidation, illicit law enforcement behavior, and statutory and constitutional
20 violations based either on a deliberate plan by defendants or on defendants' deliberate
21 indifference, gross negligence, or reckless disregard for the safety, security and
22 constitutional and statutory rights of Plaintiffs.
23

24 **THIRD CAUSE OF ACTION**
25 **(Violation of Civil Rights - 42 U.S.C. § 1983)**
26 **Against All Individually Named Defendants**

27 49. Defendants and each of them, acting under color of state law, did without
28 probable cause and by use of excessive force unlawfully detain, arrest, batter, search,

1 molest and write false reports about Plaintiffs, and did do all of the above in a
2 conspiratorial manner for the purpose of illegally obtaining criminal conviction(s)
3 against Plaintiffs and to conceal their own wrongdoing and did also do so to intimidate
4 Plaintiffs' witness(es) in said criminal prosecutions for the same improper purposes, all
5 of which were intended with deliberate indifference of and reckless disregard for
6 Plaintiffs' constitutional rights under the First, Fourth and Fourteenth Amendments to
7 the United States Constitution. As a direct and proximate result of defendants' acts,
8 Plaintiffs sustained injury and damage as set forth herein.
9

10 **FOURTH CAUSE OF ACTION**
11 **(Violation of 42 U.S.C. §1985(2))**
12 **Against All Individually Named Defendants**

13 50. Defendants, and two or more of them, in the State of California, County of
14 Los Angeles, and City of Maywood-Cudahy, by reason of Defendants' animus against
15 minorities, including Plaintiffs' Latino heritage and invidious animus, conspired
16 together to act and to fail and omit to act as hereinbefore alleged, for the purpose of (I)
17 impeding, hindering, obstructing, and defeating the due course of justice in the State of
18 California and County of Los Angeles, (ii) to deny Plaintiffs Plaintiffs' right to free
19 speech, (iv) to deny equal protection of the laws to Plaintiffs and (v) to subject
20 Plaintiffs' persons and property to unlawful search and seizure thereby depriving
21 Plaintiffs of immunities secured by the Constitution and the laws of the United States,
22 including the First, Fourth and Fourteenth Amendments to the Unites States
23 Constitution, by, *inter alia*, ordering, authorizing, maintaining, enforcing, tolerating,
24 ratifying, permitting, acquiescing in, and/or applying the policies and practices set forth
25 hereinabove. Defendants' conspiracy was and is motivated by animus directed against
26 Plaintiffs because of Plaintiffs' race, color or national origin, and/or by the race, color,
27 or national origin of persons with whom they associated, and/or by other class-based,
28

1 invidiously discriminatory animus directed against Plaintiffs. In furtherance of the
 2 conspiracy one or more of the defendants committed one or more of the overt acts set
 3 forth hereinabove which did in fact deprive Plaintiffs of equal rights, privileges or
 4 immunities.

5 51. Defendants, and each of them, purposefully, under color of law, planned and
 6 conspired to deny Plaintiffs equal protection of the laws in the following respects:

- 7 a. to deny the right to be free from unreasonable search and seizure;
- 8 b. to deny the right not to be deprived of life, property or liberty without
- 9 due process of law;
- 10 c. to deny the right of free speech;
- 11 d. to be free from use of excessive force.
- 12

13 52. By virtue of the foregoing, defendants, and each of them, violated 42 U.S.C.
 14 §1985(2).

15 53. As a direct and proximate result of the foregoing, Plaintiffs have been
 16 damaged as recited above and demand and isentitled to the damages recited above,
 17 including, but not limited to, general and punitive damages (except entities) and
 18 attorney's fees.
 19

20 **FIFTH CAUSE OF ACTION**
 21 **(Violation of 42 U.S.C. §1985(3))**
Against All Individually Named Defendants

22 54. By virtue of the foregoing, Defendants, and two or more of them, conspired
 23 for the purpose of:

- 24 a. depriving Plaintiffs of (1) equal protection of the law; and (2) liberty
- 25 and property without due process of law.
- 26

27 55. Defendants, and each of them, did and caused to be done, an act or acts in
 28 furtherance of the object of the conspiracy, whereby Plaintiffs were deprived of the

1 rights and privileges as set forth above.

2 56. As a direct and proximate result of the foregoing, Plaintiffs are entitled to and
3 demands damages against defendants, jointly and severally, as recited in the First and
4 Second Causes of Action, including, but not limited to, general and punitive damages
5 (except entities) and attorneys fees.

6
7 **SIXTH CAUSE OF ACTION**
8 **(California Constitution, Article I, §§ 1, 7, and 13)**
9 **Against All Defendants**

10 57. The conduct of each defendant in detaining, searching, arresting, and
11 assaulting Plaintiffs and in threatening and in doing or failing to do the other wrongful
12 acts herein alleged was done for the purpose of interfering with and attempting to
13 interfere with Plaintiffs' rights to freedom of expression, to be free from unreasonable
14 invasions of their privacy and unreasonable search and seizure, and to be accorded due
15 process and equal protection under Article I, §§ 1, 7 and 13 of the California
16 Constitution.

17 **SEVENTH CAUSE OF ACTION**
18 **(California Civil Code §52.1)**
19 **Against All Defendants**

20 58. The conduct of each defendant in detaining, searching, and assaulting
21 Plaintiffs and in threatening and in doing or failing to do the other wrongful acts herein
22 alleged was done for the purpose of interfering with and attempting to interfere with
23 Plaintiffs' rights under the First, Fourth and Fourteenth Amendments and Plaintiffs'
24 right to freedom of expression, to be free from unreasonable invasions of his privacy and
25 unreasonable search and seizure and accorded due process and equal protection under
26 Article I, §§ 1, 7, 12, and 13 of the California Constitution, and for that reason violated
27 Plaintiffs' rights under California Civil Code Section 52.1(b). Plaintiffs are informed
28 and believe and thereon allege that the defendants' wrongful acts were done maliciously

1 and criminally and for the purpose of inflicting injury on Plaintiffs.

2 59. As the proximate cause of defendants' and each of their conduct as
3 hereinbefore alleged, Plaintiffs have been damaged in an amount not presently
4 ascertained, but subject to proof at trial.

5 60. Plaintiffs are informed and believe and thereon allege that Defendants' and
6 each of their conduct was malicious, willful, fraudulent and oppressive, done with a
7 conscious disregard for Plaintiffs' rights and with the intent to injure Plaintiffs, thereby
8 justifying the award of exemplary damages (except for entities) in a sum to be
9 determined according to proof.
10

11 **EIGHTH CAUSE OF ACTION**
12 **(California Civil Code Section 51.7)**
13 **Against All Defendants**

14 61. Plaintiffs are informed and believe and thereon allege that the conduct of
15 each defendant in using force upon and injuring Plaintiffs and in threatening and
16 attempting to use force upon and injure Plaintiffs, and in doing or failing to do the other
17 wrongful acts herein alleged was motivated by defendants' invidious racial and/or ethnic
18 and/or other impermissible animus toward Plaintiffs, and for that reason violated
19 Plaintiffs' rights under California Civil Code § 51.7. Plaintiffs are informed and believe
20 and thereon allege that the defendants' wrongful acts were done maliciously and
21 criminally and for the purpose of inflicting injury on Plaintiffs.

22 **NINTH CAUSE OF ACTION**
23 **(Assault and Battery)**
24 **Against all Defendants**

25 62. At the date, time and location, defendants, and each of them, as either
26 employees, supervisors or employees in the course and scope of their duties
27 intentionally and maliciously abused Plaintiffs by reason of the acts alleged herein
28 above causing Plaintiffs, without provocation, necessity or lawful justification, to suffer

1 said violations of their civil rights.

2 63. As a proximate result of the acts of defendants, and each of them, as herein
3 alleged, Plaintiffs were compelled to expend money all to their damage in an amount
4 according to proof.

5 64. As a proximate result of the acts of defendants, and each of them, Plaintiffs
6 were injured in health, strength and activity, sustaining injuries to body and shock and
7 injury to nervous systems and persons; all of which injuries have caused Plaintiffs to
8 suffer severe pain and mental anguish.

9 65. As a further proximate result of the acts of defendants, and each of them,
10 Plaintiffs were required to and/or did employ physicians and surgeons for medical
11 examination, treatment and care of injuries, and did incur medical and incidental
12 expenses. Plaintiffs did incur and will incur further treatment, the exact amount of
13 which is unknown at this time.

14 66. As a further proximate result of the acts of defendants, Plaintiffs were
15 prevented from attending to his usual occupations and thereby lost earnings and income.

16 67. The acts of defendants, and each of them, were willful, malicious and
17 oppressive, in conscious disregard of Plaintiffs' known rights and thereby justify the
18 awarding of exemplary damages (except entities) according to proof.

19
20
21 **TENTH CAUSE OF ACTION**
22 **(Intentional Infliction of Emotional Distress)**
23 **Against all Defendants**

24 68. Plaintiffs were entitled to the due care, service and protection of the entities
25 and their officers and medical staff.

26 69. On or about the dates alleged above and thereafter, Defendants caused the
27 Plaintiffs to be unlawfully detained, seized, beaten and/or otherwise abused without
28 reasonable cause or justification.

1 70. In doing the aforementioned acts, defendants' conduct was intentional,
2 outrageous, malicious, and done for the specific purpose of causing Plaintiffs to suffer
3 extreme emotional distress, indignity, fear, anxiety, and mental anguish.

4 71. As a direct and proximate result of the foregoing, Plaintiffs have suffered, and
5 continue to suffer, severe mental, emotional and physical distress and are entitled to and
6 demands damages against defendants.

7
8 **ELEVENTH CAUSE OF ACTION**
9 **(Negligent Employment Civil Code §1714)**
 Against Entities and Supervisor Defendants

10 72. Defendant entities and supervisor defendants knew or in the exercise of due
11 care should have known, that individually named defendants and Does 1 Through 30
12 inclusive, and each of them, had a propensity, character trait, and practice for
13 dishonesty, deception, abuse of authority, harassment, and violence without justification
14 against Plaintiffs and other members of the public.

15 73. At all times material herein, said Defendant entities and supervisors knew or
16 with reasonable care should have known, that the aforescribed traits of character,
17 practices and propensities of defendants and Does 1 through 30 inclusive, and each of
18 them, made them unfit to serve as law enforcement officers.

19
20 74. Notwithstanding such knowledge, Defendant entities and supervisors
21 negligently and carelessly employed and retained and failed to properly supervise, train
22 and control defendants and Does 1 through 30 inclusive, and each of them, as employees
23 and assigned said defendants to duties which enabled each of them to abuse their
24 authority, including but not limited to making unlawful detentions and arrests by use of
25 excessive force, warrantless arrests, fabricating probable cause and crimes, causing the
26 fraudulent and malicious criminal prosecution of innocent persons while purporting to
27 act under the color of law.
28

1 75. As a proximate result of the negligent retention and supervision of defendant
2 entities and supervisors and each of them, Plaintiffs suffered damages and injuries,
3 including but not limited to false arrests/detentions, beatings, malicious prosecutions,
4 severe mental anguish, emotional distress, severe embarrassment, financial losses, all
5 to the Plaintiffs' damage in a sum according to proof.

6
7 **TWELFTH CAUSE OF ACTION**
8 **(Negligence/Civil Code § 1714))**
9 **Against All Defendants**

10 76. Plaintiffs allege that by the actions or omissions set forth above, all
11 defendants failed to use and exercise reasonable care as is required by Civil Code §
12 1714. In particular, defendants failed to exercise reasonable care in its conduct in the
13 exercise of their duties.

14 77. As a proximate result of the negligence and carelessness of defendants, and
15 each of them, Plaintiffs suffered damages as alleged above in a sum according to proof.

16 **INJUNCTIVE RELIEF**

17 78. Plaintiffs are informed and believe and thereon allege that, unless enjoined,
18 as requested in the prayer, defendants will continue to engage in the unlawful acts and
19 in the policies and practices described above, in violation of the legal and constitutional
20 rights of the Plaintiffs. Plaintiffs face the real and immediate threat of repeated and
21 irreparable injury and continuing, present adverse effects as a result of the unlawful
22 misconduct, policies and practices of the defendants. Plaintiffs have no adequate and
23 complete remedy at law.

24 **PRAYER**

25 Wherefore, Plaintiffs pray judgment against defendants and each of them, as
26 follows:

27 As to each cause of action at to each Plaintiffs as applicable:
28

- 1 1. For general damages according to proof;
- 2 2. For special damages according to proof;
- 3 3. For statutory damages under Cal. Civ. Code §§ 52(a) and/or (b), 52.1(b),
4 California Code of Civil Procedure 1021.5, and under any other applicable statute or
5 theory;
- 6 4. For punitive damages against each individual Defendant;
- 7 5. For attorney's fees pursuant to 42 U.S.C. §1988, California Civil Code §52.1,
8 California Code of Civil Procedure 1021.5, and under any other applicable statute or
9 theory;
- 10 6. For costs of suit;
- 11 7. Declaring, pursuant to 28 U.S.C. §§ 2201-2202 that the acts, policies, rules,
12 regulations, practices, customs, and usages that the defendants engaged in as set forth
13 above violate the legal and constitutional rights of the Plaintiffs.
- 14 8. Permanently enjoining defendants and their agents, employees, and successors,
15 and all persons in active concert or participation with defendants, from engaging in the
16 unlawful and unconstitutional acts, policies, rules, regulations, practices, customs, and
17 usages set forth above.
- 18 9. Placing the Maywood-Cudahy Police Department under the direct supervision
19 and control of a receiver or special master to be appointed by the Court; directing the
20 receiver or special master to review all existing written and unwritten policies and
21 procedures of defendants with respect to the acts, policies, rules, regulations, practices,
22 customs, and usages set forth above; directing the receiver or special master to modify,
23 amend, or revoke, or to confirm and enforce, existing policies and procedures and to
24 establish such new or additional written policies and procedures as may be necessary
25 and proper; and directing the receiver or special master to implement and enforce
26
27
28

1 appropriate written policies and procedures with respect to the following subjects,
2 among others:

3 a. Ensuring compliance with constitutional standards governing the use of
4 firearms, the use of force, the conduct of searches, and the use of deadly force.

5 b. Providing adequate training, certification, and periodic recertification
6 of all officers in the lawful use of force, including firearms and other deadly
7 force.
8

9 c. Specifying departmentally approved weaponless control techniques,
10 and providing for adequate training, certification, and periodic recertification of
11 all officers in the use of such techniques.

12 d. Ensuring that members of the public injured by officers receive prompt
13 and appropriate medical care, and that their injuries are catalogued and recorded
14 in police reports and by photographs of all such injuries.

15 e. Requiring that all persons in custody be transported to a hospital for
16 examination and treatment by a medical doctor whenever:
17

18 i. the person sustains a head injury, strikes his or her head on a
19 hard object, or sustains a blow to the head, regardless of how
20 minor any such injury may appear;

21 ii. the person is choked or is subjected to any control hold
22 involving the neck, regardless of whether or not the person is
23 rendered unconscious;

24 iii. the person has any injuries that appear to require medical
25 attention;

26 iv. the person requests medical treatment, regardless of whether
27 or not the person has any apparent injuries.
28

1 f. Prohibiting the use of saps in any circumstances, and prohibiting the use
2 of head strikes and strikes to other vital areas of the body by batons or
3 flashlights, punches or kicks, except in cases where there is legal justification for
4 the use of deadly force.

5 g. Requiring that searches be conducted in a manner which inflicts the
6 least amount of damage necessary in order to conduct an adequate search; that
7 officers be required to photograph or videotape the premises before and after each
8 and every search; that officers return to their original location and condition all
9 items displaced in any search; and that the Maywood-Cudahy Police Department
10 pay for the repair or replacement of any property unnecessarily damaged or
11 destroyed in the course of any search.

12 h. Recording in writing each instance in which an officer is involved in the
13 use of force in arresting a suspect or in detaining any person, regardless of
14 whether an arrest is made.

15 i. Requiring that any officer who participates in or witnesses any incident
16 involving the use of force by an officer shall prepare and submit a departmental
17 report containing detailed information regarding the incident, including:
18

- 19
- 20 i. A full description of the actions of the suspect or member of
21 the public which made the use of force necessary;
 - 22 ii. A full description of the specific force used or observed by
23 the officer;
 - 24 iii. A full description of any injuries or complaints of injuries
25 sustained by the suspect or member of the public, including
26 photographs or videotapes of the suspect or member of the
27 public;
28

1 iv. A full description of any medical treatment received by and
2 any refusal of such treatment by the suspect or member of the
3 public.

4 j. Establishing a system that allows an immediate on-duty supervisor to
5 readily access a historical record of any officer who has used force in a period of
6 at least the last 5 years, including the identity of the officer(s) involved in the use
7 of force, the file number(s) of the report(s) in which the use of force is reported,
8 and a description of the nature of the force used (*e.g.*, "intentional head strike
9 with baton"; "accidental head strike with flashlight"); requiring periodic review
10 of such records for patterns of unjustified use of force by officers and institution
11 of disciplinary proceedings where appropriate; requiring review of such records
12 whenever a supervisor prepares a departmental performance evaluation of any
13 officer; and requiring that performance evaluations include documentation of any
14 patterns concerning the unjustified use of force.

15 k. Providing that, in any situation in which deadly force has been used by
16 an officer and death or serious injury has resulted, there shall be an administrative
17 review of the use of force to determine whether it was in compliance with
18 departmental policy and constitutional standards, and whether departmental
19 policy should be modified in view of the circumstances surrounding the use of
20 such force.

21 l. Requiring that, in departmental investigations of officer-involved
22 shootings, other use of deadly force by officers, or complaints of officer
23 misconduct:

24 i. all percipient witnesses (including officers) be segregated
25 from each other as soon as practicable after the incident;
26
27
28

1 ii. such witnesses not be permitted to discuss the incident with
2 any other witness until after all witnesses have been
3 interviewed by departmental investigators;

4 iii. such witnesses not be informed of the contents or substance
5 of the statements of other witnesses until after all witnesses
6 have been interviewed by departmental investigators; and

7 iv. all witness interviews, including interviews of involved
8 officers, be fully and completely tape-recorded.
9

10 m. Indexing by individual officer and maintaining files of complaints by
11 members of the public, Cal. Govt. Code § 910 claims, and lawsuits concerning
12 officer misconduct; adequately investigating such complaints, claims, and
13 lawsuits; and using such files to monitor the conduct of officers.

14 n. Requiring psychological testing and counseling of officers with a record
15 of using unreasonable or excessive force, making false arrests, filing false
16 charges, engaging in related acts of dishonesty, or engaging in racially motivated
17 misconduct.
18

19 o. Maintaining a promotional system which penalizes officers for instances
20 of unjustified use of firearms or unjustified use of force, violence, sexual
21 innuendo, dishonesty, racial or ethnic bias, or other misconduct.

22 p. Requiring dismissal of officers involved in instances of sexual
23 misconduct, and/or repeatedly involved in instances of unjustified use of firearms
24 or unjustified use of force, violence, dishonesty, racial or ethnic bias, or other
25 misconduct.

26 q. Requiring that, where an investigation discloses any improper use of
27 force by an officer, particularly improper use of force which causes serious bodily
28

1 injury as defined in Cal. Penal Code § 243, that matter should be referred to the
2 District Attorney's Office for consideration of filing a criminal complaint.

3 r. Requiring that, whenever any officer has been judicially determined to
4 have engaged in a violation of constitutional or civil rights, whenever a monetary
5 settlement has been made or a judgment has been rendered based on the use of
6 excessive force by an officer, or whenever any arrest has been made as to which
7 an officer claims to be the victim of a crime:
8

9 i. a departmental investigation be conducted, regardless of any
10 earlier investigation or the findings thereof;

11 ii. The investigators review all evidence introduced at trial or
12 provided to them by any person, and that they interview all
13 known witnesses including Plaintiffs' trial experts, and
14 interview Plaintiffs' counsel in any lawsuit alleging officer
15 misconduct;
16

17 iii. a full report be made to the Chief of Police and to the receiver
18 or special master with recommendations for or against
19 disciplinary or criminal sanctions against the officer.

20 s. Directing that the defendants seek tangible ways (for example, through
21 disciplinary measures) to establish the principle that racial and ethnic bias will not
22 be tolerated within the Maywood-Cudahy Police Department, and that the
23 defendants establish an adequate program of cultural awareness training and
24 periodic retraining to eliminate racial or ethnic stereotypes for all officers.

25 t. Directing that the defendants seek tangible ways to establish the
26 principle that gender bias and discrimination and sexual misconduct will not be
27 tolerated within the Maywood-Cudahy Police Department, and that the
28

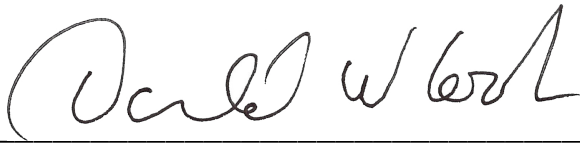
1 defendants establish an adequate program of gender awareness training and
2 periodic retraining to eliminate any and all gender discrimination and sexual
3 misconduct.

4 10. For such other and further relief as the Court may deem proper.

5 DATED: May 12, 2008

6
7 **CYNTHIA ANDERSON-BARKER**
8 **ELLEN HAMMILL ELLISON**
9 **OLU ORANGE**
10 **ROBERT MANN**
11 **DONALD W. COOK**
12 **ATTORNEYS AT LAW**

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By 
Donald W. Cook
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

DATED: May 12, 2008

**CYNTHIA ANDERSON-BARKER
ELLEN HAMMILL ELLISON
OLU ORANGE
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